IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1351 of 2003

Between:

R.srinivasa Babu S/o.Satyanarayana Rao
R/o.Nidamarru E.G.District.

..... PETITIONER

AND

1. Godavari Grameena Bank Rep by its Chairman,
Rajahmundry

2 N.Prasad Rao
C/o.Godavari Grameena Bank Rajahmundry
3 V.V.V.V.Satyanarayana
C/o.Godavari Garameena Bank, Rajahmundry.
4 M.Venkata Laxmi
C/o.Godavari Grameena Bank , Rajahmundry
5 M.Hasan Khasani
C/o.Godavari Grameena Bank , Rajahmundry

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ order or orders direction or directions declaring the action of the 1st respondent in arranging the seniority position of the clerks in its banks on the basis of their date of joining in the bank as illegal, unconstitutional , contrary to rules and arbitrary and to issue a consequential direction to the 1st respondent to rearrange the seniority of the clerks recruited in a batch on the basis of the ranks allotted to them at the time of recruitment with all consequential benefits.

Counsel for the Petitioner:MR.V.SRINIVAS

Counsel for the Respondent No.1: MR.NUTY RAM MOHAN RAO

Counsel for Respondents 2 to 5:MR.K.SREENIVASULU (not present)

The Court made the following :

ORDER:

Declaring the action of the first respondent in arranging the seniority position of the clerks in its Bank on the basis of their date of joining in the bank as illegal, unconstitutional and to issue a consequential direction to the first respondent to rearrange the seniority of the clerks recruited in a batch on the basis of the ranks allotted to them at the time of recruitment with all consequential benefits, the writ petition is filed.

The facts are not in dispute. The only contention raised by the learned counsel for the petitioner is that the seniority list is not prepared in accordance with the rules inasmuch as the concerned authority has taken into consideration the age of the candidates for the purpose of determining the seniority and therefore, it is contrary to the regulations. On the other hand, the learned counsel appearing for the respondent-Bank contended that since no merit list is available with the respondent-Bank, they have no other go except to take the age of the candidates as the criterion for fixing the seniority list. He further contended that the petitioner did not make any challenge to the seniority list prepared by the Bank in the year 1995 and hence, the writ petition is devoid of merits.

It is not in dispute before this Court that the service conditions of the petitioner and other employees of the respondent-Bank are governed by the Godavari Grameena Bank Staff Service Regulations, 1987. Chapter III of the Regulations deals with the Record of Service, Seniority, Promotion and Reversion. Rule 13(v) deals with fixation of inter-se seniority of officers or employees directly recruited which reads as follows:

"13(v)- The inter-se seniority of officers or employees directly recruited in a batch to any cadre or scale shall be reckoned with reference to the rank allotted to them at the time of their selection."

The above provision is categorical in its terms that seniority has to be reckoned to the rank allotted to them at the time of their selection. The seniority list prepared by the respondent-Bank does not indicate that it was prepared in accordance with the seniority list. On the other hand, it is the specific case of the respondent-Bank that basing on the age of the candidates, the seniority list has been prepared.

Admittedly, the respondent-Bank called for the objections for the seniority list prepared in the year 1995. At that time, the petitioner did not raise any objection. Though that seniority list has become final, the bank issued another circular No.110, dated 12.11.2002 informing the staff that if they notice any discrepancy with regard to the seniority, they should bring it to the notice of the Bank with relevant proof, so as to enable the Bank to examine and make necessary corrections, on or before 23.11.2002. In pursuance of that circular, petitioner gave a representation dated 16.11.2002 regarding the change of his position in the seniority list as per the Staff Regulations, for which, there was no consideration. Though the seniority list of the year 1995 has become final, but having issued the circular No.40, dated 29.9.2001 and also another circular No.1110, dated 12.11.2002 requiring the staff to indicate with regard to any discrepancy in the seniority list, the respondent-Bank is bound to consider the representation of the petitioner, if any received, in pursuance of those circulars. But the respondent-Bank has not considered the representation of the petitioner, dated 16.11.2002.

Under those circumstances, the writ petition is allowed directing the first respondent-Bank to arrange the seniority position of the clerks including the petitioner in accordance with the relevant Regulations after giving due notice to all the parties concerned, within eight (8) weeks from the date of receipt of a copy of this order. No costs.

K.C.BHANU, J

09th JUNE 2005.

Tsr.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, Acting Chief Justice on this Thursday the Ninth day of June Two thousand and five.

To

1. The Chairman, Godavari Grameena Bank,
   Rajahmundry

2. Two C.D. copies.